

**IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

DR. JOHN ROE, PH.D. )  
Plaintiff, )  
vs. ) Case No.: 5:22-CV-00869-JKP-HJB  
UNITED STATES OF AMERICA, et. al., )  
Defendant(s) )

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**DECLARATION OF ATTORNEY JOHN HODGES IN SUPPORT OF PLAINTIFF'S  
MOTION TO COMPEL ACCESS TO CLASSIFIED INFORMATION**

Declarant, John Hodges, attorney for Plaintiff, attests to the following facts in support of Plaintiff's Motion to Compel Access to Classified Information.

1. I am an attorney licensed to practice law in New York, D.C., Colorado, Nebraska, and Iowa.
2. I am a former Marine Corps judge advocate who practiced in that capacity on active duty from 2008 to 2020, leaving with the Rank of Major.
3. I continued in the U.S. Marine Corps Reserves until October of 2022, leaving with the Rank of Lieutenant Colonel.
4. During that time, I had regular training on classified material management.
5. From 2008 to 2016, I held a SECRET level security clearance through the Department of Defense.
6. From 2016, to Present<sup>1</sup>, I maintained a TS/SCI with Special Access Program read on (same level as Plaintiff's work) in connection with my work as a detailed defense counsel in front of the Military Commissions in Guantanamo Bay, Cuba.

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<sup>1</sup> The current status of my security clearance is unknown. Though I separated from the military in 2020, I remained attached to the civilian counsel pool at the Military Commissions Defense Organization. Only recently, I was informed of additional paperwork for that position, which has been submitted. While normally, my security clearance would

7. At the Military Commissions I represented detainees on the capital defense teams for 9/11, U.S.S. Cole, and Malaysian Bombing cases.
8. During that time, I had regular access to, and responsibilities concerning handling of, TS/SCI – SAP level classified materials.
9. I am fully competent and able to handle classified information at the highest levels.

**I declare under penalty of perjury that the foregoing is true and correct. Executed on April 28, 2023.**

*John Hodges*

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John W. Hodges, Jr., #2409167  
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have been up for reinvestigation around December 2021, I understood at the time that COVID constraints had slowed reinvestigations. I have asked MCDO for a status on my clearance. I am confident that, should a reinvestigation or renewal be required, I would meet the requirements for continued TS/SCI eligibility.